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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,466	01/31/2001	Akilan Tiburtius	27950-00458USPT	7075

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,466

Applicant(s)

TIBURTIUS ET AL.

Examiner

Hector A. Agdeppa

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 3/11/04. Claims 1 - 38 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,160,877 (Tatchell et al.)

As to claims 1 – 5, 7 - 12, 14 – 17, and 19, Tatchell et al. teaches a system and method wherein a personal agent may intercept an incoming call from a first party before routing the call to a second party, which is a subscriber of the personal agent system. Tatchell et al. further teaches that only one network address, such an office telephone number, is needed/may be dialed by the first party to reach the second party at any of a plurality of other network specific addresses, wherein those other network specific addresses include other landlines such as a home telephone or a mobile unit which inherently would reside/operate on a separate wireless network. (Col. 6, line 61 – Col. 7, line 9, Col. 9, lines 29 – 63)

The system of Tatchell et al. is implemented on an AIN and the personal agent may be located at switching node which is also a service switching point (SSP), wherein the personal agent receives the originating call request and performs the claimed “translation” of addresses. (Col. 7, lines 15 – 23) For example, an initial address message (IAM) is formulated and routed to the node handling a call to the subscriber's

office. If the personal agent is triggered, the call is received at the personal agent processor 27 located at a service control point (SCP) where the initial office address is "translated" into a number associated with an alternate terminating office such as the subscriber's home number and the call is then completed to the alternate number. Note also that at least the subscriber service profile database/record (which have included therein, the alternate network specific addresses) is located at the SCP wherefrom the "translation" is done and is standard operating procedure for any AIN system, the switching node completes the call routing to that alternate number. (Col. 9, line 64 – Col. 10, line 39, Col. 12, lines 58 – 66).

Also, note that Tatchell et al. teaches that the personal agent verifies whether an incoming call is voice or data, which reads on the claimed "origination further including a context for the origination." Tatchell et al. also teaches routing an incoming call to a network specific address based on that call context. (Col. 4, lines 1 – 43, Col. 21, lines 24 – 51)

Finally, because again, Tatchell et al. operates in an AIN environment and uses signal transfer points (STPs) in routing and completing calls, the system and method includes establishing a packet data session inasmuch as STPs are AIN/SS7 nodes which act as packet switches that examine and route messages to the appropriate switching nodes and databases. (Col. 6, lines 21 – 60)

As to claims 6, 13, and 18, it is inherent that the context identifies a network over which the originated communication is to occur since as discussed above, the routing is dependent on the initial determination of whether a call is voice or data and if a call is

voice, certain routing is done to that call and if a call is data, certain, different routing is performed on that call. (Col. 21, lines 19 – 51)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 20 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.)

As to claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, the system and method taught by Tatchell et al. has been discussed above.

What Tatchell et al. does not teach is the implementing the system and method in a third generation wireless network (3GR).

However, 3GRs are now old and well known in the telephony arts and it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to have implemented the system and method of Tatchell et al. on such a system because a 3GR is merely a platform upon which the above-discussed features could be implemented on. Such an implementation merely involves an obvious design choice. Moreover, Tatchell et al., as discussed above, contemplates a system and method that already involves a wireless network.

As to claims 23, 31, and 37, see the above rejection of claims 6, 13, and 18.

As to claim 25, Tatchell et al. has been discussed with regards to its operation in various types of networks whether landline, data, or wireless. The limitation cited in claim 25 is merely another variation wherein a call may be originated on one type of network and terminated on another.

As to claim 26, second generation wireless networks are also old and well known in the telephony arts and for the same reason/motivation given in the rejection of claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included in the various networks contemplated by Tatchell et al., a second generation wireless network.

Such a feature is an obvious extension inasmuch as wireless providers such as AT&T and T Mobile for example employ the use of both 3GR/Next Generation wireless networks and the traditional/second generation wireless networks. The motivation for such a feature is merely a desire to have system that operates in as many existing networks as possible.

As to claim 28, Tatchell et al. has been discussed above. What Tatchell et al. does not teach is having the translation function performed by a switching node (SSP) instead of a processing node (SCP).

However, it is well known in the AIN telephony arts that functionality of network elements/nodes may be shifted to or located in different network elements/nodes. The limitation cited in claim 28 is merely moving the translation function from an SCP to an SSP and such would be obvious to one of ordinary skill in the art at the time the invention was made. Many motivations exist for shifting the functionality of one element/node to another such as to increase efficiency and speed of operation, for example, by having the translation performed at a switching node, the speed of operation would be increases because the time normally taken to query an SCP and wait for its response would be eliminated.

4. Claims 1 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 6,069,945 (Brown et al.)

As to claims 1 – 5, 7 - 12, 14 – 17, and 19, Tatchell et al. teaches a system and method wherein a personal agent may intercept an incoming call from a first party before routing the call to a second party, which is a subscriber of the personal agent system. Tatchell et al. further teaches that only one network address, such an office telephone number, is needed/may be dialed by the first party to reach the second party at any of a plurality of other network specific addresses, wherein those other network specific addresses include other landlines such as a home telephone or a mobile unit

which inherently would reside/operate on a separate wireless network. (Col. 6, line 61 – Col. 7, line 9, Col. 9, lines 29 – 63)

The system of Tatchell et al. is implemented on an AIN and the personal agent may be located at switching node which is also a service switching point (SSP), wherein the personal agent receives the originating call request and performs the claimed “translation” of addresses. (Col. 7, lines 15 – 23) For example, an initial address message (IAM) is formulated and routed to the node handling a call to the subscriber’s office. If the personal agent is triggered, the call is received at the personal agent processor 27 located at a service control point (SCP) where the initial office address is “translated” into a number associated with an alternate terminating office such as the subscriber’s home number and the call is then completed to the alternate number. Note also that at least the subscriber service profile database/record (which have included therein, the alternate network specific addresses) is located at the SCP wherefrom the “translation” is done and is standard operating procedure for any AIN system, the switching node completes the call routing to that alternate number. (Col. 9, line 64 – Col. 10, line 39, Col. 12, lines 58 – 66).

The term “translation” is not necessarily a term of art, but interpreted in another manner, “translation” may refer to an actual conversion of one network address into another network address. Such a feature is not taught by Tatchell et al.

However, Brown et al. teaches a global subscriber numbering translation system for controlling international call routing wherein a global subscriber number read as the claimed network independent address, is translated into a local subscriber number.

Also, Brown teaches that a calling subscriber may dial a global number, which could also be read as a network independent address inasmuch as such dialed numbers would normally be routed by a public consortium network (no one specific network control). Thereafter, the global number is translated by means of a Regional Access Code to form the above-mentioned GSN and the call is routed as desired by the controlling telephone company, in other words, network specific. Moreover, Brown et al. contemplates as well, operation in various types of landline and wireless networks. (Abstract, Col. 1, lines 49 – 67, Col. 2, line 18 – Col. 4, line 14 of Brown et al.)

Implementing such a feature in the invention of Tatchell et al. would have been obvious to one of ordinary skill in the art at the time the invention was made inasmuch as such translations are old and well known in the art as evidenced by the teachings of Brown et al. Such an implementation would also be obvious because, in effect, the operation of the personal agent of Tatchell et al. would not be altered in way that would teach away from end result/functionality of Tatchell et al. The existing structure and method of Tatchell et al. would remain the same. The only difference would be that instead of accessing a database that “associates” a first network address with another network address and merely substituting one for the other, an actual “conversion” would be made from one network address to another. However, the idea of needing only one number with which to contact a person who has multiple numbers/network addresses where they can be reached remains intact.

Also, note that Tatchell et al. teaches that the personal agent verifies whether an incoming call is voice or data, which reads on the claimed “origination further including a

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context for the origination.” Tatchell et al. also teaches routing an incoming call to a network specific address based on that call context. (Col. 4, lines 1 – 43, Col. 21, lines 24 – 51 of Tatchell et al.) Brown et al. also teaches the same as for example when a call is to be completed to a landline or to a wireless recipient. (Col. 3, lines 31 – 39 of Brown et al.)

Finally, because again, Tatchell et al. operates in an AIN environment and uses signal transfer points (STPs) in routing and completing calls, the system and method includes establishing a packet data session inasmuch as STPs are AIN/SS7 nodes which act as packet switches that examine and route messages to the appropriate switching nodes and databases. (Col. 6, lines 21 – 60 of Tatchell et al.)

As to claims 6, 13, and 18, it is inherent that the context identifies a network over which the originated communication is to occur since as discussed above, the routing is dependent on the initial determination of whether a call is voice or data and if a call is voice, certain routing is done to that call and if a call is data, certain, different routing is performed on that call. (Col. 21, lines 19 – 51 of Tatchell et al.) See also the distinction in origination and routing between a landline call and a wireless call in Brown et al. (Col. 3, lines 31 – 39 of Brown et al.)

As to claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, the combination of Tatchell et al. and Brown et al. has been discussed above.

What they does not specifically teach is the implementing the system and method in a third generation wireless network (3GR).

However, 3GRs are now old and well known in the telephony arts and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the system and method of Tatchell et al. and Brown et al. on such a system because a 3GR is merely a platform upon which the above-discussed features could be implemented on. Such an implementation merely involves an obvious design choice. Moreover, Tatchell et al. and Brown et al., as discussed above, contemplate a system and method that already involves a wireless network.

As to claims 23, 31, and 37, see the above rejection of claims 6, 13, and 18.

As to claim 25, Tatchell et al. and Brown et al. have been discussed with regards to operation in various types of networks whether landline, data, or wireless. The limitation cited in claim 25 is merely another variation wherein a call may be originated on one type of network and terminated on another.

As to claim 26, second generation wireless networks are also old and well known in the telephony arts and for the same reason/motivation given in the rejection of claims 20 – 22, 24, 27, 29, 30, 32 - 36, and 38, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included in the various networks contemplated by Tatchell et al. and Brown et al., a second generation wireless network.

Such a feature is an obvious extension inasmuch as wireless providers such as AT&T and T Mobile for example employ the use of both 3GR/Next Generation wireless networks and the traditional/second generation wireless networks. The motivation for

such a feature is merely a desire to have system that operates in as many existing networks as possible.

As to claim 28, Tatchell et al. and Brown et al. have been discussed above. What they do not teach is having the translation function performed by a switching node (SSP) instead of a processing node (SCP).

However, it is well known in the AIN telephony arts that functionality of network elements/nodes may be shifted to or located in different network elements/nodes. The limitation cited in claim 28 is merely moving the translation function from an SCP to an SSP and such would be obvious to one of ordinary skill in the art at the time the invention was made. Many motivations exist for shifting the functionality of one element/node to another such as to increase efficiency and speed of operation, for example, by having the translation performed at a switching node, the speed of operation would be increases because the time normally taken to query an SCP and wait for its response would be eliminated.

Response to Arguments

5. Applicant's arguments filed 3/11/04 have been fully considered but they are not persuasive.

As to applicant's arguments, Tatchell et al. in fact teaches very clearly, the use of different networks and not merely one network as asserted by applicant. See Col. 7, lines 1 – 9 wherein Tatchell et al. teaches that the personal agent can be accessed and used by a subscriber to and from any location including home, business, mobile

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telephone, etc. Home telephones are very rarely if ever on the same network as a business telephony network because usually PBXs are employed for businesses while home telephones are directly connected to the PSTN, for example. Even if such were not the case, certainly a mobile telephony network is not the same as the PSTN to which a home telephone would be connected. Mobile service providers, while of course, allowing connection to wired networks such as the PSTN, employ their own wireless networks. Therefore, a call using the personal agent of Tatchell et al. involves a "translation" between perhaps a landline network address to a mobile network address. Moreover, Tatchell et al. also teaches that the personal agent may be a part of a "remote" switching center, again indicating that more than one network is contemplated.

Also, Tatchell et al. teaches routing voice AND data calls. Sending data communications after dialing a telephony address would involve a context specific network address because voice and data are dissimilar modes of communication and data calls are sent to a separate data store 100. (Col. 21, lines 49 – 51 of Tatchell et al.)

Moreover, note that Tatchell et al. teaches that calls may be routed to voice mail, wherein that voice mail system does NOT have to be integrated within the system upon which the personal agent resides. (Col. 11, lines 5 – 10 of Tatchell et al.)

Again, also, because Tatchell et al. recognizes the difference between voice and data, context is in fact included and considered. See also the previous rejection, p 3 – 4

As to applicant's arguments regarding the Brown reference, they too have been addressed in the above rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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H.A.A.
May 24, 2004


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